

REMARKS/ARGUMENTS

The application has been carefully reviewed in light of the Office Action and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Claims 1 was rejected under 35 U.S.C. 112. Claims 1 and 2 have been amended to reintroduce the phrase “acoustic support member.” In the telephone interview of June 27, 2008, applicant did not state that the disclosure does not provide support for an acoustic member. Applicant stated that the exact phrase was not found in the specification, but that in the drawings, the member 18 is crosshatched for rubber. See MPEP § 608.02 IX Drawing Symbols. In any event, the rejection has been overcome.

Claims 1 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of MacKinnon Jr. et al. Claim 4 has been cancelled and its subject matter has been incorporated into claim 1. Claim 1 now states that the composite stud comprises at least one central stud member and an acoustic support member mounted on each opposite face of each central stud member. The composite stud further comprises outer stud members mounted on the outer sides of each outer side of each acoustic member and wall sheeting connecting the outer faces of adjacent outer stud members.

If the examiner considers the insulating material between the stud member 20 as “an acoustic support member” and adjacent stud members on either side a given stud member as “outer stud members,” then it is not seen how “wall sheeting” could connect the outer face of adjacent stud members.

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Amdt. Dated: August 1, 2008
Reply to Office action of: January 22, 2008

Regarding claim 4 (which is now incorporated into claim 1), it is noted that the examiner is employing element 104 of Scott as an acoustic support member (claim 1) and as wall sheeting (claim 4). This is an improper application of the elements of the reference.

Regarding claim 2, the examiner states that Masui et al. disclose a thermoplastic acoustic material having an inner face and outwardly facing spaced apart arms. Claim 2, however, states that those arms terminate in inwardly directed flanges. Matsui et al. do not teach this concept.

As to claim 3, it is not seen how one skilled in the art would consider the shear studs 96 of McCavour to be in any way related to a composite wall stud, as claimed by the applicant.

For these reasons it is respectfully submitted that this application is allowable.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, Our Order No. PMAX-37319

Respectfully submitted

PEARNE & GORDON, LLP

A handwritten signature in cursive script, appearing to read "Thomas P. Schiller", written over a horizontal line.

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